

Entered - 9-14-00 - sb
CL 00L0568 - ALEXIS HOLMES

01-R-0122

CLAIM OF: **EVAN MAUK**
850 Piedmont Avenue, NE
Apartment 1207
Atlanta, Georgia 30308

For property damages alleged to have been sustained as a result of an attempt to clear a clogged sewer line on August 8, 2000 at 1236 Spring Valley Lane.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **EVAN MAUK** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character **for property damages alleged to have been sustained as a result of an attempt to clear a clogged sewer line on August 8, 2000 at 1236 Spring Valley Lane** as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: Rosalind Rubens Newell by
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY *Robert M. City DCA*

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0568

Date: 1/18/01

Claimant /Victim EVAN MAUK
BY: (Atty)
Address: 850 Piedmont Avenue, Apartment 1207, Atlanta, Georgia 30308
Subrogation: Claim for Property damage \$ 2,544.44 Bodily Injury \$
Date of Notice: 9/3/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/8/00 Place: 1236 Spring Valley Lane
Department Public Works Division: Sewer Operations
Employee involved Allen Moore Disciplinary Action: No action taken

NATURE OF CLAIM: The claimant sustained damages when the City used the service line on his private property in an attempt to clear the City sewer line under the street with a high-pressure water hose. In an investigation it was determined that a different work crew had prior knowledge that the line was clogged, and did not communicate that information to this crew, as a result the water backed up into the claimant's house and cause considerable damage to his personal property.

INVESTIGATION:

Statements: City employee Claimant X Other Written Oral
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable X
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

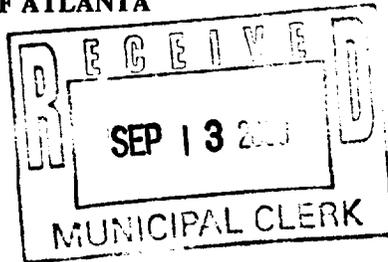
Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 2,000.00 Adverse Account charged: 1A01 2J01 X 2H01
Claims Manager: Council/date 01-18-01
Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335



RE: CLAIM FOR DAMAGES

Holmes
09/13/00

Today's Date: 9/3/00 *PH*

09-13-00P01:02 RCVD

ENTERED - 9-14-00 - SB
00L0568 - ALEXIS HOLMES 44

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2544.44 property and/or \$ bodily injury for which I contend the City is liable.

1. Date of incident: 8/8/2000 2. Time of Incident: AM 3. Police called: Yes No

4. Location of incident (including street address): 1236 Spring Valley Lane

5. Name of your insurance company: State Farm Policy No.

6. State what and how incident occurred: Low level of home flooded. While the city sewer dept. was attempting to clear the city sewer line under the street with high pressure water, they used the cleanout access in my driveway. A different crew had determined the line was clogged but did not communicate to this crew. The water came into my house instead.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: (Make) (Year) (Tag Number) (Driver's Name)

City vehicle: (Make) (City Driver's Name) (Department/Bureau)

9. Witness: (Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Evan Mark
Signature of Claimant

Evan Mark
(Print Claimant's Name)

1236 Spring Valley Lane
(Address)

Atlanta, GA 30306
(City, State and Zip Code)

404-277-6839 404-815-7887
(Work Number) (Home Number)

41874-5060

Allan Moore of Sewer Dept. took several polaroids of the damage.

also see attached photos & info

SEARCHED
INDEXED
SERIALIZED
FILED